



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

September 7, 1976

**The Honorable George W. McNeil
State Auditor
Sam Houston State Office Building
P. O. Box 12067
Austin, Texas 78711**

Open Records Decision No. 141

**Re: Whether travel
records of State Auditor
relating to investigation
of specific activities
leading to criminal charges
are public under Open
Records Act.**

Dear Mr. McNeil:

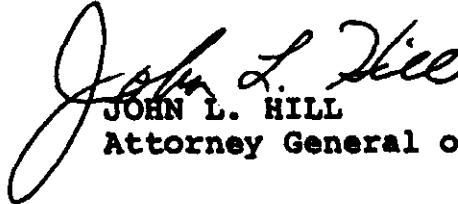
Pursuant to section 7 of article 6252-17a, V.T.C.S., you request our decision whether certain travel records of certain staff auditors are excepted from required public disclosure by section 3(a)(3), which excepts information relating to litigation of a criminal or civil nature to which the State is or may be a party, that the Attorney General or the attorney responsible for the litigation has determined should be withheld from public inspection. You also ask whether the information is excepted by section 3(a)(16) of the Act, concerning the audit working papers of the State Auditor.

The request is by the attorney for a former employee of the University of Texas, and is for the travel records of specified staff auditors during a certain period of time. The auditors whose records are requested were conducting a special investigation of the employee's employment activities with the University during this time.

The District Attorney of Travis County has advised this office that the records in question relate to possible criminal litigation and that he has determined that the information should be withheld from public inspection at this time. We believe that this determination properly invokes the applicability of the exception provided in section 3(a)(3) of the Act.

It is our decision that the information requested is excepted from required public disclosure by section 3(a)(3). In light of this determination, it is unnecessary to deal with the claim of the applicability of section 3(a)(16), which excepts the audit working papers of the State Auditor.


Very truly yours,


JOHN L. HILL

Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

jwb